

1 MELODY A. KRAMER, SBN 169984
2 KRAMER LAW OFFICE, INC.
3 9930 Mesa Rim Road, Suite 1600
4 San Diego, California 92121
5 Telephone (858) 362-3150
6 email: mak@kramerlawip.com

7 J. MICHAEL KALER, SBN 158296
8 KALER LAW OFFICES
9 9930 Mesa Rim Road, Suite 200
10 San Diego, California 92121
11 Telephone (858) 362-3151
12 email: michael@kalerlaw.com

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14 Attorneys for Plaintiff JENS ERIK SORENSEN,
15 as Trustee of SORENSEN RESEARCH AND
16 DEVELOPMENT TRUST

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of) Case No. 08cv00071 BTM CAB
SORENSEN RESEARCH AND)
DEVELOPMENT TRUST,)
Plaintiff) **THIRD AMENDED NOTICE OF**
v.) **RELATED CASES**
SESCO PRODUCTS, INC., an Ohio)
corporation; and DOES 1 – 100,)
Defendants.)
and related counterclaims.)

)

1 Pursuant to Local Civil Rule 40.1(e), Plaintiff JENS E. SORENSEN, as
2 TRUSTEE OF THE SORENSEN RESEARCH AND DEVELOPMENT TRUST
3 ("SRDT"), hereby gives THIRD AMENDED notice of cases related to the present
4 case. Specifically, SRD TRUST gives notice of the following related cases that all
5 arise from alleged infringement of United States Patent Number 4,935,184 ("the '184
6 patent"), whether pending, dismissed, or otherwise terminated:

7

8 **JUDGMENT ENTERED**

9 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
10 *Trust v. First International Digital, Inc., et al*, Case No. 3:07-cv-5525-JSW, filed
11 October 30, 2007 in the United States District Court for the Northern District of
12 California. Judgment of \$500,000.00 has been entered.

13

14 **PENDING – NOT STAYED**

15 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
16 *Trust v. Phillips Plastics Corp.*, filed June 26, 2008 in the United States District
17 Court for the District of Northern California. Plaintiff alleges infringement of the
18 '184 patent by Defendants. Consolidation is not recommended at this time.

19 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
20 *Trust v. Human Touch LLC, et al*, Case No. 08cv1080, filed June 18, 2008 in the
21 United States District Court for the District of Southern California. Plaintiff alleges
22 infringement of the '184 patent by Defendants. Consolidation is not yet
23 recommended because it has just been filed.

24 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
25 *Trust v. Lexar Media, Inc.*, Case No. 5:08-cv-00095-JW, filed January 7, 2008 in the
26 United States District Court for the District of Northern California. Plaintiff alleges
27 infringement of the '184 patent by Defendants. Consolidation is not recommended
28 because a requested stay was already denied and this case is proceeding to be

1 litigated.

2 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
3 *Trust v. Johnson Level & Tool Mfg. Co., Inc.*, Case No. 3:08-cv-0025-BTM-CAB,
4 filed January 4, 2008 in the United States District Court for the District of Southern
5 California. Plaintiff alleges infringement of the ‘184 patent by Defendants.
6 Consolidation is not recommended because Defendant is in default and a partial
7 settlement has already been reached.

8 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
9 *Trust v. Ampro Tools Corporation*, Case No. 4:08-cv-00096-CW, filed January 7,
10 2008 in the United States District Court for the District of Northern California.
11 Plaintiff alleges infringement of the ‘184 patent by Defendants. Consolidation is not
12 recommended because there has already been an entry of default and a default
13 judgment motion is being prepared.

14 *PowerStation LLC, et al v. Sorensen Research and Development Trust*, Case
15 No. 07-cv-04167-RBH, filed December 31, 2007 in the United States District Court
16 for the District of South Carolina. Plaintiff seeks declaratory judgment that the ‘184
17 patent is invalid and not infringed by them, and also makes an unfair trade practices
18 claim. Consolidation is not recommended yet because a Rule 12 motion for transfer
19 for lack of personal jurisdiction is currently pending.

20 *Big Lots Stores, Inc. v. Sorensen Research and Development Trust*, Case. No.
21 08cv00506, filed May 23, 2008 in the United States District Court for the Southern
22 District of Ohio. Plaintiff seeks declaratory judgment that the ‘184 patent is invalid
23 and not infringed by them. Consolidation is not recommended yet because no
24 summons and complaint have been served, and this case will be the subject of a Rule
25 12 motion for transfer for lack of personal jurisdiction.

26 *Freshlink Product Development, L.L.C. v. Sorensen Research & Development*
27 *Trust*, Case. No. 08cv05021, filed May 30, 2008 in the USDC for the Southern
28 District of New York. Consolidation is not recommended yet because no summons

1 and complaint have been served, and this case will be the subject of a Rule 12
2 motion for transfer for lack of personal jurisdiction.

3 *American Safety Razor Co. v. Sorensen Research & Development Trust*, Civil
4 Case No. 07-CV-00730-HHK, filed April 20, 2007, in the United States District
5 Court for the District of Columbia. Consolidation is not recommended at this time
6 because no summons and complaint has been served and because there is no personal
7 jurisdiction over Sorensen in this court.

8 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
9 *Trust v. DMS Holdings, Inc., et al.*, Case No. 08cv559, filed March 25, 2008 in the
10 United States District Court for the District of Southern California. Plaintiff alleges
11 infringement of the '184 patent by Defendants. Consolidation with most other cases
12 in the District of Southern California was recommended (though this case involves
13 different parties and products) because the presiding judge has indicated a preference
14 for a consolidated claim construction hearing.

15 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
16 *Trust v. Metabo Corporation, et al.*, Case No. 08cv304, filed February 15, 2008 in
17 the United States District Court for the District of Southern California. Plaintiff
18 alleges infringement of the '184 patent by Defendants. Consolidation with most
19 other cases in the District of Southern California was recommended (though this case
20 involves different parties and products) because the presiding judge has indicated a
21 preference for a consolidated claim construction hearing.

22 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
23 *Trust v. Star Asia, U.S.A., LLC, et al.*, Case No. 08cv307, filed February 15, 2008 in
24 the United States District Court for the District of Southern California. Plaintiff
25 alleges infringement of the '184 patent by Defendants. Consolidation with most
26 other cases in the District of Southern California was recommended (though this case
27 involves different parties and products) because the presiding judge has indicated a
28 preference for a consolidated claim construction hearing.

Jens Erik Sorensen as Trustee of the Sorensen Research and Development Trust v. Alltrade Tools, LLC., et al., Case No. 08cv232, filed February 5, 2008 in the United States District Court for the District of Southern California. Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with most other cases in the District of Southern California was recommended (though this case involves different parties and products) because the presiding judge has indicated a preference for a consolidated claim construction hearing.

PENDING - STAYED

Jens Erik Sorensen as Trustee of the Sorensen Research and Development Trust v. Kyocera International, Inc., et al., Case No. 08cv411, filed March 4, 2008 in the United States District Court for the District of Southern California. Plaintiff alleges infringement of the ‘184 patent by Defendants. Consolidation with most other cases¹ in the District of Southern California is recommended (though this case involves different parties and products) because the presiding judge has indicated a preference for a consolidated claim construction hearing.

Jens Erik Sorensen as Trustee of the Sorensen Research and Development Trust v. Central Purchasing, LLC, et al., Case No. 08cv309, filed February 15, 2008 in the United States District Court for the District of Southern California. Plaintiff alleges infringement of the ‘184 patent by Defendants. Consolidation with most other cases in the District of Southern California is recommended (though this case involves different parties and products) because the presiding judge has indicated a preference for a consolidated claim construction hearing.

Jens Erik Sorensen as Trustee of the Sorensen Research and Development Trust v. Logitech, Inc., et al., Case No. 08cv308, filed February 15, 2008 in the United States District Court for the District of Southern California. Plaintiff alleges

¹ See Motion for Consolidation, denied as premature, for listing of cases Plaintiff has recommended to be consolidated.

1 infringement of the '184 patent by Defendants. Consolidation with most other cases
2 in the District of Southern California is recommended (though this case involves
3 different parties and products) because the presiding judge has indicated a preference
4 for a consolidated claim construction hearing.

5 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
6 *Trust v. Rally Manufacturing, Inc., et al.*, Case No. 08cv302, filed February 15, 2008
7 in the United States District Court for the District of Southern California. Plaintiff
8 alleges infringement of the '184 patent by Defendants. Consolidation with most
9 other cases in the District of Southern California is recommended (though this case
10 involves different parties and products) because the presiding judge has indicated a
11 preference for a consolidated claim construction hearing.

12 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
13 *Trust v. Sunbeam Products, Inc., et al.*, Case No. 08cv306, filed February 15, 2008 in
14 the United States District Court for the District of Southern California. Plaintiff
15 alleges infringement of the '184 patent by Defendants. Consolidation with most
16 other cases in the District of Southern California is recommended (though this case
17 involves different parties and products) because the presiding judge has indicated a
18 preference for a consolidated claim construction hearing.

19 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
20 *Trust v. CTT Tools, Inc., et al.*, Case No. 08cv231, filed February 5, 2008 in the
21 United States District Court for the District of Southern California. Plaintiff alleges
22 infringement of the '184 patent by Defendants. Consolidation with most other cases
23 in the District of Southern California is recommended (though this case involves
24 different parties and products) because the presiding judge has indicated a preference
25 for a consolidated claim construction hearing.

26 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
27 *Trust v. Global Machinery Company, et al.*, Case No. 08cv233, filed February 5,
28 2008 in the United States District Court for the District of Southern California.

1 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
2 most other cases in the District of Southern California is recommended (though this
3 case involves different parties and products) because the presiding judge has
4 indicated a preference for a consolidated claim construction hearing.

5 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
6 *Trust v. Emissive Energy Corp., et al.*, Case No. 08cv234, filed February 5, 2008 in
7 the United States District Court for the District of Southern California. Plaintiff
8 alleges infringement of the '184 patent by Defendants. Consolidation with most
9 other cases in the District of Southern California is recommended (though this case
10 involves different parties and products) because the presiding judge has indicated a
11 preference for a consolidated claim construction hearing.

12 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
13 *Trust v. Motorola, Inc., et al.*, Case No. 3:08-cv-0136 LAB RBB, filed January 23,
14 2008 in the United States District Court for the District of Southern California.
15 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
16 most other cases in the District of Southern California is recommended (though this
17 case involves different parties and products) because the presiding judge has
18 indicated a preference for a consolidated claim construction hearing.

19 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
20 *Trust v. Sanyo North America Corporation, et al.*, Case No. 3:08-cv-0135 DMS
21 POR, filed January 23, 2008 in the United States District Court for the District of
22 Southern California. Plaintiff alleges infringement of the '184 patent by Defendants.
23 Consolidation with most other cases in the District of Southern California is
24 recommended (though this case involves different parties and products) because the
25 presiding judge has indicated a preference for a consolidated claim construction
26 hearing.

27 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
28 *Trust v. Informatics, inc., et al.*, Case No. 3:08-cv-0134-L NLS, filed January 23,

1 2008 in the United States District Court for the District of Southern California.
2 Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with
3 most other cases in the District of Southern California is recommended (though this
4 case involves different parties and products) because the presiding judge has
5 indicated a preference for a consolidated claim construction hearing.

6 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
7 *Trust v. Ryobi Technologies, Inc., et al.*, Case No. 3:08-cv-0070-BTM-CAB, filed
8 January 11, 2008 in the United States District Court for the District of Southern
9 California. Plaintiff alleges infringement of the '184 patent by Defendants.
10 Consolidation with most other cases in the District of Southern California is
11 recommended (though this case involves different parties and products) because the
12 presiding judge has indicated a preference for a consolidated claim construction
13 hearing.

14 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
15 *Trust v. Emerson Electric Co., et al.*, Case No. 3:08-cv-0060-BTM-CAB, filed
16 January 10, 2008 in the United States District Court for the District of Southern
17 California. Plaintiff alleges infringement of the '184 patent by Defendants.
18 Consolidation with most other cases in the District of Southern California is
19 recommended (though this case involves different parties and products) because the
20 presiding judge has indicated a preference for a consolidated claim construction
21 hearing.

22 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
23 *Trust v. Energizer Holdings, Inc., et al.*, Case No. 3:07-CV-2321-BTM-CAB, filed
24 December 11, 2007 in the United States District Court for the Southern District of
25 California. Plaintiff alleges infringement of the '184 patent by Defendants.
26 Consolidation with most other cases in the District of Southern California is
27 recommended (though this case involves different parties and products) because the
28 presiding judge has indicated a preference for a consolidated claim construction

1 hearing.

2 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
3 *Trust v. Giant International, Inc., et al*, Case No. 3:07-CV-2121-BTM-CAB, filed
4 November 6, 2007 in the United States District Court for the Southern District of
5 California. Plaintiff alleges infringement of the '184 patent by Defendants.
6 Consolidation with most other cases in the District of Southern California is
7 recommended (though this case involves different parties and products) because the
8 presiding judge has indicated a preference for a consolidated claim construction
9 hearing.

10 *Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust v.*
11 *Esseplast (USA) NC, Inc., et al*, Case No. 3:07-cv-2277-BTM-CAB, filed December
12 4, 2007 in this District. Plaintiff alleges infringement of the '184 patent by
13 Defendants. Consolidation with most other cases in the District of Southern
14 California is recommended (though this case involves different parties and products)
15 because the presiding judge has indicated a preference for a consolidated claim
16 construction hearing.

17 *Jens Erik Sorensen as Trustee of Sorensen Research and Development Trust v.*
18 *Helen of Troy Texas Corporation, et al*, Case No. 3:07-cv-2278-BTM-CAB, filed
19 December 4, 2007 in this District. Plaintiff alleges infringement of the '184 patent
20 by Defendants. Consolidation with most other cases in the District of Southern
21 California is recommended (though this case involves different parties and products)
22 because the presiding judge has indicated a preference for a consolidated claim
23 construction hearing.

24 *Jens Erik Sorensen as Trustee of the Sorensen Research and Development*
25 *Trust v. Digital Networks North America, Inc., et al*, Case No. 3:07-5568-JSW, filed
26 November 1, 2007 in the United States District Court for the Northern District of
27 California. Plaintiff alleges infringement of the '184 patent by Defendants.
28 Consolidation is not recommended because this related case involves different

parties and has different, unrelated products at issue.

Jens Erik Sorensen as Trustee of the Sorensen Research and Development Trust v. The Black & Decker Corporation, et al, Civil Case No.: 3:06-CV-1572-BTM-CAB, filed August 7, 2006, in the United States District Court for the Southern District of California. Plaintiff alleges infringement of the '184 patent by Defendants. Consolidation with most other cases in the District of Southern California is recommended (though this case involves different parties and products) because the presiding judge has indicated a preference for a consolidated claim construction hearing.

SETTLED AND DISMISSED

Jens Erik Sorensen as Trustee of the Sorensen Research And Development Trust v. Tecnica USA, Inc and Nordica USA, Inc., Civil Case No. 06CV1941 B MLS, filed September 18, 2006 in the Southern District of California. The action was settled by the parties, and dismissed.

Jens Erik Sorensen As Trustee of The Sorensen Research And Development Trust v. Head USA Inc. Civil Case No.: 06CV1434BTN CAB, filed July 2006 in the Federal District for the Southern District of California. The action was settled by the parties, and dismissed.

Head USA Inc. v. Jens Erik Sorensen (As Trustee of The Sorensen Research And Development Trust), and Sorensen Research And Development Trust. Docket No.: 306CV00983, filed June 2006 in the Federal District of Connecticut. The matter was transferred and consolidated with the *Sorensen Research And Development Trust v. Head USA Inc.* action filed in the Southern District of California, Civil Case No.: 06CV1434BTM CAB. The action was later settled by the parties, and dismissed.

Nordica USA Corp. v. Jens Ole Sorensen, Jens Erik Sorensen, and Sorensen Research and Development Trust. Docket No. 1:06-cv-91-JM filed March 8, 2006 in

1 the Federal District of New Hampshire. The matter was transferred and consolidated
 2 with *Jens Erik Sorensen As Trustee of The Sorensen Research And Development*
 3 *Trust v. Tecnica USA, Inc and Nordica USA, Inc.*, Civil Case No. 06CV1941 B
 4 MLS, filed in the Southern District of California. The action was later settled by the
 5 parties.

6 *Jens Ole Sorensen, and Jens E. Sorensen, as Trustee Of The Sorensen*
 7 *Research and Development Trust v. DaimlerChrysler AG, and Mercedes-Benz USA,*
 8 *LLC.* Civil No. 03-1763 (HAA) filed in the United States District Court for
 9 Northern California and transferred to the United States District Court for New
 10 Jersey. This matter has been settled and dismissed.

11 *In the Matter of Certain Automobile Tail Light Lenses And Products*
 12 *Incorporating Same.* Investigation No. 337-TA-502 filed in the United States
 13 International Trade Commission. The matter was remanded after appeal to the
 14 Federal Circuit Court of Appeals, then settled and dismissed.

15 *Jens E. Sorensen, as Trustee Of The Sorensen Research and Development*
 16 *Trust v. Premier Automotive Group, Ford Motor Company, and Jaguar, Ltd.* Case
 17 No. 03-cv-01107, filed March 14, 2003 in the Federal Court for the Northern District
 18 of California. The matter was settled and dismissed.

19 *Sorensen et al v. International Trade Commission et al.*, 427 F.3d 1375 (Fed.
 20 Cir. 2005). After the Federal Circuit ruled in patentee's favor, the parties settled and
 21 dismissed.

22 23 DISMISSED

24 *DMS Holdings, Inc. v. Sorensen Research & Development Trust.* Civil Case
 25 No.: 07-CV-02690, filed May 11, 2007, in the United States District Court for the
 26 Northern District of Illinois. This case has been dismissed. Sorensen refiled against
 27 DMS Holdings in the United States District Court for Southern California (see
 28 above).

Lowe's Companies, Inc., et al v. Sorensen Research and Development Trust.
Case No. 05-cv-00234 filed July 29, 2005 in the Federal Court for the Western
District of North Carolina. The matter was never served and was dismissed.

Digital Innovations LLC v. Sorensen Research and Development Trust. Case No. 05-cv-06428, filed November 9, 2005 in the Federal Court for the Northern District of Illinois. The matter was never served and was dismissed.

Big Lots v. Sorensen Research and Development Trust. Case No. 2:06-cv-1089, filed December 29, 2006 in the Federal Court for the Southern District of Ohio. The matter was never served and was dismissed.

Bon-Aire v. Sorensen Research and Development Trust. Case No. 07-cv-054-S, filed January 2007 in the Federal Court for the District of Idaho. The matter was never served and was dismissed.

Husqvarna Outdoor Products, Inc. v. Sorensen Research and Development Trust.
CIV. NO. CV106-160 in the Federal Court for the Southern District of Georgia on
October 30, 2006. The matter was never served and was dismissed.

DATED this Friday, June 27, 2008.

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND DEVELOPMENT
TRUST, Plaintiff

/s/ Melody A. Kramer
Melody A. Kramer, Esq.
J. Michael Kaler, Esq.
Attorneys for Plaintiff

PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Friday, June 27, 2008, I served the following documents:

THIRD AMENDED NOTICE OF RELATED CASES

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
<p>Roger G. Perkins, Esq rperkins@mpplaw.com</p> <p>MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101</p>	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF
<p>Angela Kim akim@mpplaw.com</p> <p>MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101</p>	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF
<p>Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611 rmallin@brinkshofer.com</p>	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF

- (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
 - (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
 - (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were

1 reported as complete and without error.

- 2 (Email) I emailed a true copy of the foregoing documents to an email address
3 represented to be the correct email address for the above noted addressee.
- 4 (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed
5 this document via the CM/ECF system for the United States District Court for the
6 Southern District of California.
- 7 (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address
8 represented to be the correct mail address for the above noted addressee.

9 I declare that the foregoing is true and correct, and that this declaration was executed on
10 Friday, June 27, 2008, in San Diego, California.

11 /s/ Melody A. Kramer

12 Melody A. Kramer